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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

ADOPTION

STATE AGENCY: Citizen's Financial Accountability Oversight Committee

AMENDMENT

MULTI-COUNTY: County Medical Services
Program Governing Board
Kings River Conservation
District

A written comment period has been established commencing on **January 4, 2008** and closing on **February 18, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government

Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **February 18, 2008**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to **Ashley Clarke**, Fair

Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **February 21, 2008**, at 10:00 a.m.
in the Harris State Building,
Auditorium
1515 Clay Street, Oakland,
California 94612.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **February 21, 2008**, following the Public Meeting
in the Harris State Building,
Auditorium
1515 Clay Street, Oakland,
California 94612.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS

MEETING:

On **February 21, 2008**, following the Public Hearing
in the Harris State Building,
Auditorium
1515 Clay Street, Oakland,
California 94612.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **February 21, 2008**.

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 3
Section 1524
Drinking Water in Construction
2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7
Article 91, Section 4885
Article 93, Section 4924
Article 98, Section 5004(e)(3)
Mobile Crane Load Safety Devices

Descriptions of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 3
Section 1524
Drinking Water in Construction

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This proposal was initiated in response to a Division of Occupational Safety and Health (Division) Form 9 received by the Occupational Safety and Health Standards Board (Board) on November 3, 2004. The Division requests that Section 1524, Water Supply, be amended to allow the use of sealed one-time use water containers and re-usable individual water containers which, the Division asserts, the current standard does not permit. The Division also requests that the standard be revised to specifically prohibit the use of common drinking receptacles in order to reduce the risk of disease transmission.

Section 1524 of the Construction Safety Orders contains requirements regarding the provision of potable drinking water, including safeguards to protect employees from exposure to pathogenic microorganisms which can be transmitted from one employee to another when employees share drinking water containers. Section 1524 and the counterpart federal standard, 29 Code of Federal Regulations (CRF), Section 1926.51, contain nearly identical requirements, except the federal standard prohibits the common use of a drinking receptacle.

The proposed revisions would provide employers with two additional options for providing drinking water for employees. These options are: 1) ensure access to re-usable, closable, personally identifiable containers for individual employee use, and 2) provide sealed one-time use water containers for individual employee use. In order to be at least as effective as the counterpart federal standard, the proposal would also prohibit the common use of a drinking cup or container. In addition, the

proposal would reference Section 3395, Heat Illness Prevention in Outdoor Places of Employment, to inform employers that there are additional requirements in that standard which may be applicable.

This proposed rulemaking action contains numerous nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

Section 1524(a)(1)

Subsection (a)(1) requires that an adequate supply of drinking water be provided; however, it does not give any guidance on the quantity of water which must be provided. The proposal would add a note to inform employers that additional requirements for the provision of drinking water in outdoor places of employment are contained in Section 3395 of the General Industry Safety Orders. Section 3395, Heat Illness Prevention for Outdoor Places of Employment, became effective July, 27, 2006, as a permanent standard. One of the provisions of that standard requires that outdoor places of employment provide, or have effective replenishing procedures which are capable of providing, one quart of water per employee per hour. The effect of this proposed amendment is to give direction to employers on the quantity of water which must be provided in outdoor places of employment and to make employers aware of other additional requirements which apply to the provision of drinking water in outdoor places of employment.

Section 1524(a)(2)

Subsection (a)(2) requires that portable containers used to dispense drinking water be equipped with a faucet or drinking fountain. It also prohibits the dipping of water from containers and requires that containers be designed, constructed and serviced so that sanitary conditions are maintained. The proposed amendment would clarify that faucets or fountains are only required on containers that are used to provide water to more than one person. The effect of this proposed amendment is to provide more flexibility for employers to make potable water readily available to their employees without diminishing existing provisions which guard against unsanitary conditions and practices.

Section 1524(a)(4)

Subsection 1524(a)(4) specifies that single-service cups shall be supplied where there is no drinking fountain. The proposed amendment would provide employers with two additional alternatives for providing drinking water when drinking fountains are not available. One of the new, proposed alternatives would require

that the employer supply sealed one-time use water. The other new, proposed alternative would require that the employer ensure each employee has access to a re-fillable, closable, personally identifiable container for the employee's individual use. The proposal would move the requirement regarding containers for storing and disposing of single-service cups to new subsection (a)(5). The effect of this proposed amendment is to provide more flexibility for employers to make potable water readily available to their employees without diminishing existing provisions that guard against unsanitary conditions and practices.

New Section 1524(a)(5)

Subsection (a)(5) would contain the requirement, which was relocated from subsection 1524(a)(4), that employers provide containers for storing and disposing of single-service cups where these cups are supplied. A provision would be added to require that a receptacle for disposing of one-time use water containers be provided where these containers are supplied. The effect of this amendment is to require that a receptacle for disposal of one-time use water containers be provided where these containers are supplied.

New Section 1524(a)(6)

Subsection (a)(6) and the related exception is proposed to prohibit employees from using the same drinking cup or container unless it can be done in a sanitary manner. The counterpart federal standard, 29 CFR, Section 1926.51 prohibits the common drinking cup. The effect of this proposed amendment is to be at least as effective as the counterpart federal standard.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal would allow more flexibility for employers to supply potable water to their employees.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessari-

ly incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposal does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated. The proposed amendment allows more flexibility for employers to supply potable water to their employees.

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Chapter 4, Subchapter 7
Article 91, Section 4885
Article 93, Section 4924
Article 98, Section 5004(e)(3)
Mobile Crane Load Safety Devices

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Proposed changes to General Industry Safety Orders (GISO) Section 4885, "Definitions" and Section 4924, "Load Safety Devices" and Section 5004, "Crane or Derrick Suspended Personnel Platforms" are in large part the result of the Division of Occupational Safety and Health (Division) Memorandums to the Occupational Safety and Health Standards Board (Board) dated April 23, 2001, modified by the Division's Memorandum dated February 9, 2007. The Division states that it investigated two fatal accidents where the crane's "headache ball" was dropped as the result of a two-blocking condition¹. When a crane is equipped with a functional anti two-block device or warning feature, the hazards of a crane's load block or any part of the load

hitting the crane's boom tip point sheave assembly, which could part the load line and cause the headache ball or load to drop, is greatly mitigated.

The Division indicates that certain mobile crane related safety standards in the GISO are not equivalent to national consensus safety standards for mobile cranes provided in the American Society of Mechanical Engineers (ASME) B30.5 standards. Safety orders in Section 5004 address provisions for preventing accidents/injuries from two-blocking situations when a crane is hoisting a platform with personnel in it and the proposal provides clarity amendments for this section. However, Title 8, GISO crane safety standards do not adequately specify provisions for preventing hazardous two-blocking situations when cranes are used for general lifting service. The proposal addresses these concerns.

Additionally, this rulemaking action proposes amendments related to the requirements for crane load indicating devices, and boom angle indicators. Several new definitions are proposed for clarity in Section 4885. The proposal was developed with the assistance of an advisory committee.

Section 4885. Definitions

Section 4885 contains the definitions for standards related to cranes and other hoisting equipment. New definitions are proposed for the following terms; anti two-block device, two-block damage prevention feature, two-block warning feature, and two-blocking. These definitions are consistent with terms provided in the ASME B30.5 national consensus standards for mobile and locomotive cranes and would have the effect of providing clarity to crane related safety orders.

Section 4924. Load Safety Devices

Section 4924 provides the general requirements for load safety devices for cranes with a rated capacity exceeding one ton.

Subsection (a), Exceptions 1 and 2

Subsection (a), Exception 1, states that the exception is applicable for boom-type excavation work and all equipment used exclusively for pile driving or log handling. An amendment is proposed to delete the phrase "used exclusively" and replace it with "when configured." It is not feasible to equip cranes used in pile driving and log handling operations with the devices required by Section 4924. However, some cranes used in pile driving or log handling operations are occasionally used in general lifting service. Because these cranes are not "used exclusively" for pile driving or log handling operations, the existing language taken literally, requires them to be in full compliance with Section 4924 during pile driving or log handling operations. The amendments would have the effect of providing clarity to the standard and permit the exception to Section 4924

¹ Two-Blocking is a condition in which the lower load block or hook assembly comes into contact with the upper load block or boom point sheave assembly of a crane.

provisions during pile driving or log handling crane operations.

Existing subsection (a), Exception 2, states that articulating boom cranes are exempt from the provisions of subsections (c) and (d). Existing subsections (c) and (d) pertain to requirements for boom angle and radius indicators. The proposal deletes the provisions in existing subsection (c) and existing subsection (d) is designated as subsection (c). Therefore, an editorial amendment for clarity deletes the unnecessary reference to subsection (d).

New Subsection (b)(1)

Subsection (b) requires that mobile cranes having either a maximum rated boom length exceeding 200 feet or a maximum rated capacity exceeding 50 tons to be equipped with a load indicating device or a load moment device, or a device that prevents an overload condition. A new subsection (b)(1) specifies that mobile cranes manufactured after September 27, 2005, with a maximum rated capacity exceeding 3 tons shall have a load indicating device, load moment device, or a device that prevents an overload condition. Mobile cranes are manufactured in accordance with provisions in the ASME B30.5 standards and the recent 2004 edition of this standard requires mobile cranes with a maximum rated capacity of 3 tons or more to have load indicating devices. Therefore, the proposal would require compliance consistent with the September 27, 2005, effective date of the ASME B30.5–2004 standard.

As the advisory committee discussed, when load indicating devices are not functioning properly, there are other means of effectively checking the weight of the load. Therefore, an exception is proposed to subsection (b)(1) that would have the effect of permitting a qualified person to determine the weight of loads when a load indicating device is not functioning.

New Subsection (b)(2)

A new subsection (b)(2) is proposed that would have the effect of requiring load indicating devices to be repaired in accordance with the manufacturer's recommendations.

Subsection (c)

Existing subsection (c) is proposed for deletion because the proposed revisions for existing subsection (d) would encompass the provisions for boom angle or radius indicators on mobile cranes making the deleted subsection unnecessary.

Subsection (d)

Existing subsection (d), designated as subsection (c) in the proposal, requires that cranes having a boom exceeding 60 feet in length or a maximum rated capacity exceeding 15 tons shall be provided with an approved boom angle or radius indicator which clearly shows the

boom angle in degrees to the operator at all times. The existing subsection also provides that the indicator shall give a clear visual warning signal before high or low unsafe boom angles are reached; the indicator shall be adjustable and under the control of the operator at all times; and a visual inspection of the indicator shall be made each day by the operator to see that it is properly functioning.

Mobile cranes are manufactured in conformance with the ASME B30.5 national consensus standards. The ANSI B30.15–1973 edition and subsequent ASME B30.5 editions have required a boom angle indicator on mobile cranes irrespective of the boom length and rated capacity. An amendment is proposed to delete the more than 60 foot boom length and more than 15 ton capacity criteria that would trigger the requirement for the boom or radius indicator. The effect of this amendment would be that mobile cranes subject to Section 4924 provisions would be required to have a boom angle or radius indicator which clearly shows the boom angle in degrees to the operator at all times.

Proposed for deletion is existing language that requires the indicator to give a clear visual warning signal before high or low unsafe boom angles are reached and that the indicator be adjustable and be under the control of the operator at all times. Advisory committee members expressed concern that this language lacked clarity and purpose and that it does not provide any relevant safety provisions. The existing language in this subsection that requires a daily inspection of the indicator is proposed for deletion as Section 5033 already requires daily inspections of a crane's operational and functional mechanisms. The proposed amendments would have the effect of providing clarity to the standard and avoiding duplication of requirements.

New Subsection (d)

New subsections (d)(1) and (2) provide the requirements for anti two-block prevention and warning features for telescopic and lattice boom cranes respectively that are manufactured after February 28, 1992. The February 28, 1992, effective date is consistent with the ASME B30.5 standards for mobile cranes. Manufacturers design mobile cranes consistent with the ASME B30.5 standards and have been equipping mobile cranes with these devices since the proposed effective date. The proposed amendments would have the effect of ensuring that anti two-block devices or two-block prevention and/or warning features are provided on mobile cranes in accordance with the proposed standard.

A proposed exception states that the requirements of subsection (d)(2) do not apply to lattice boom cranes when used for dragline, clamshell (grapple), magnet, and drop ball work. These types of exempted crane operations are not considered lifting services, and the use

of anti two-block features is unnecessary and not feasible.

New Subsection (d)(3)

Proposed new subsection (d)(3) provides that articulating boom cranes manufactured after August 30, 2001, equipped with a load hoisting device (winch) shall be equipped with a two-block damage prevention feature. This provision would have the effect of providing consistency with the same effective date and similar provisions outlined in the ASME B30.22-2000 standard for "Articulating Boom Cranes."

Section 5004(e)(3)

Section 5004 contains provisions for the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms on load lines of cranes and derricks.

With respect to preventing two-blocking hazards during the hoisting of personnel platforms, existing Section 5004(e)(3) states that, "a positive acting device shall be used which deactivates the hoisting action before damage occurs in the event of a two-blocking situation (two block damage prevention feature)." The existing language lacks clarity in that it begins by stating that "a positive acting device shall be used" which implies that an "anti two-block device" as defined in Section 4885 of this proposal must be used. However, the subsection ends with parenthetical language permitting the use of a "two-block damage prevention feature" which contradicts the language that precedes it.

Amendments in proposed Section 5004(e)(3)(A) would have the effect of clarifying the standard to ensure that when personnel platforms are hoisted that an anti two-block device is used which when activated, disengages all crane functions that can cause two-blocking. Similarly, new Section 5004(e)(3)(B) would provide that when a derrick is used to hoist personnel platforms, limiting devices shall be installed to prevent two-blocking.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment. In Section 4885, the proposal would add new definitions for clarity. Proposed Section 4924(b)(1) specifies that mobile cranes manufactured after September 27, 2005, with a maximum rated capacity exceeding 3 tons shall have a load indicating device, load moment device, or a device that prevents an overload condition. Mobile cranes are manufactured in accordance with provisions in the ASME B30.5 standards and the recent 2004 edition of this standard requires mobile cranes with a maximum rated capacity of 3 tons or more to have load indicating devices. Therefore, mobile cranes manufactured after

September 27, 2005, the effective date of the ASME B30.5-2004 standard, are already equipped with a load indicating device.

Amendments are proposed for Section 4924(c) so that mobile cranes subject to Section 4924 provisions would be equipped with a boom angle or radius indicator which clearly shows the boom angle in degrees to the operator at all times. Crane manufacturers follow provisions in national consensus standards and the ANSI B30.15-1973 standard to current ASME B30.5 standards have required a boom angle indicator on mobile cranes irrespective of the boom length and rated capacity. Employers are required to maintain mobile cranes in accordance with the manufacturer's recommendations. Therefore, the proposal ensures compliance with the manufacturer's design.

Proposed amendments for Sections 4924(d)(1) and (2) ensure that anti two-block devices, or two-block prevention and/or warning features are provided on mobile cranes manufactured after February 28, 1992. Manufacturers have been designing and equipping mobile cranes with anti two-block features/devices since the proposed February 28, 1992, effective date that is consistent with provisions in ASME B30.5 mobile crane standards. Similarly, proposed Section 4924(d)(3) provides that articulating boom cranes manufactured after August 30, 2001, equipped with a load hoisting device (winch) shall be equipped with a two-block damage prevention feature. Proposed Section 4924(d)(3) and its effective date is consistent with the ASME B30.22-2000 standard for "Articulating Boom Cranes." Therefore, the proposed amendments do not impose new requirements but rather ensure compliance with the manufacturer's design.

Amendments are also proposed in Section 5004(e)(3)(A) for clarity to ensure when personnel platforms are hoisted that an anti two-block device is used which when activated, disengages all crane functions that can cause two-blocking. Similarly, proposed Section 5004(e)(3)(B) provides that when a derrick is used to hoist personnel platforms, limiting devices shall be installed to prevent two-blocking.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. The proposal does not impose new requirements upon State agencies. See the rationale under the heading, "Specific Technology or Equipment."

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Also, see the rationale under the heading, “Specific Technology or Equipment.”

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Also, see the rationale under the heading, “Specific Technology or Equipment.”

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, these standards require

local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments would clarify for small businesses that cranes must be equipped with load safety devices designed and equipped by the crane manufacturer. However, no economic impact is anticipated as explained under the heading “Specific Technology or Equipment.” In the event that businesses (crane owners) have not maintained the load safety devices by altering them, removing them or not maintaining them, the employer would need to equip and maintain these devices in accordance with the manufacturer’s design.

ASSESSMENT

The adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274–5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at

the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than February 15, 2008. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on February 21, 2008, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the proposed action in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on February 18, 2008.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the

board. The request must be received in the board's office not later than 5:00 p.m. on February 6, 2008.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the action substantially as described below or may modify such action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the action.

Authority and Reference: Pursuant to the authority vested by sections 2570.13 and 2570.20 of the Business and Professions Code, and to implement, interpret or make specific sections 2570.2, 2570.3, 2570.4, 2570.5, 2570.6 and 2570.13, the Board is proposing revising Division 39, Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On January 1, 2001, Senate Bill 1046 (Murray, Chapter 697, Statutes of 2000) took effect, establishing the Board whose duties are to license occupational therapists, certify occupational therapy assistants and regulate the occupational therapy profession. This law requires the Board to adopt rules necessary to assure appropriate supervision of occupational therapy assistants, limited permit holders, students, and aides. The proposed regulatory actions are necessary to implement this legislation.

Current law outlines the appropriate supervision of occupational therapy assistants. The proposed language amends 4181 to clarify the appropriate supervision of an occupational therapy assistant. Currently, 4181(a)(1) requires weekly review and inspection of all aspects of the occupational therapy services by the supervising occupational therapist. The proposed language would clarify that the weekly review could be accomplished onsite or via telecommunication. Currently, 4181(a)(2) requires that documentation of the supervision process include either documentation of client care provided by the supervision occupational therapists, or the supervising occupational therapist's co-signature of the occupational therapy assistant's care. However, the language is poorly structured and not easily understood by practitioners or employers. The revised language clearly states that verification of the supervision process shall include either documentation of *direct client care by the supervising occupational therapist*, or co-signature of the occupational therapy assistant's documentation. Currently, 4181(a)(3) requires

that the supervising occupational therapist provide period onsite supervision of the assigned client care. This section is being split in to two subsections for simplification. The word "assigned" is being removed in order to clarify that the supervising occupational therapist is not required to observe the care rendered to each and every patient. The proposed language also amends 4181(e) to require supervising occupational therapists verify that *all* occupational therapy practitioners hold a valid license, certificate or permit prior to allowing them to provide services. Currently, this section only requires supervising occupational therapists to determine if occupational therapy assistants and limited permit holders are authorized to practice.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the adoption of this regulation would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses because the regulation does not regulate small businesses, does not require reports or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may request a hearing to present statements or arguments orally or in writing relevant to the above determinations, if requested within 15 days of the close of the written comment period.

TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons that sets forth the reasons for the proposed action and has all the information upon which the proposal is based.

Copies of the exact language of the proposed regulation and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from our website as listed below upon written request from the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Board's website as listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

April Freeman
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95811
(916) 322-3278
(916) 445-6167 (FAX)
cbot@dca.ca.gov

The backup contact person is:

Heather Martin
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95811
(916) 322-3394
(916) 445-6167 (FAX)
cbot@dca.ca.gov

Website Access: All materials regarding this proposal can be found on-line at www.bot.ca.gov > Laws and Regulations > Proposed Regulations.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Notice to Interested Parties

January 4, 2007

Announcement of a Public Comment
Period Extension

Public Comments on the Child-Specific Reference Dose (chRD) for Chlorpyrifos for Use in Assessing Health Risks at Existing and Proposed School Sites

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency made available the draft report, "Development of Health Criteria for School Site Risk Assessment Pursuant to Health and Safety Code Section 901(g): PROPOSED CHILD-SPECIFIC REFERENCE DOSE (chRD) FOR SCHOOL SITE RISK ASSESSMENT, CHLORPYRIFOS," for public review and comment on November 30, 2007. The comment period was to end on January 18, 2008, but has

now been extended to February 11, 2008. Comments received by that date will be considered in the revision of the document. This report is available to the public via the OEHHA Web site at:

http://www.oehha.ca.gov/public_info/public/kids/pdf/Chlorpyrifos_d_113007.pdf

If you would like to receive further information on this announcement or have questions, please contact our office at (916) 324-2829 or the address below. Written requests or comments should be addressed to:

Mr. Leon Surgeon
Integrated Risk Assessment Branch
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-12B
1001 I Street
Sacramento, California 95812-4010
FAX: (916) 322-9705
E-mail: irab@oehha.ca.gov

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

**California Environmental Protection Agency
Office of Environmental Health Hazard
Assessment
Notice to Interested Parties
January 4, 2008**

ANNOUNCEMENT OF SECOND PUBLIC COMMENT PERIOD

Draft Technical Support Document On Proposed Public Health Goal for Molinate in Drinking Water

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is announcing the availability of the draft technical support document for a proposed Public Health Goal (PHG) for the rice herbicide molinate in drinking water. The draft document is posted on the OEHHA Web site (www.oehha.ca.gov). OEHHA is soliciting comments on the draft report during a 30-day comment period. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input.

OEHHA will evaluate all the comments received and revise the document as appropriate. Written comments must be received at the OEHHA address below by 5:00

p.m. on February 4, 2008, to be considered before publication of the final document. After any subsequent revisions, the final document will be posted on our Web site along with responses to the major comments from the public that were received during the public review and scientific comment periods.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (Health and Safety Code Section 116365), requires OEHHA to develop PHGs based exclusively on public health considerations. PHGs published by OEHHA will be considered by the California Department of Health Services in setting drinking water standards (Maximum Contaminant Levels, or MCLs).

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Mr. Michael Baes (mbaes@oehha.ca.gov)
Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
1515 Clay St., 16th floor
Oakland, California 94612
Attention: PHG Project

OAL REGULATORY DETERMINATIONS

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS

**(Pursuant to Government Code Section 11340.5
and
Title 1, section 270, of the
California Code of Regulations)**

VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

Date: December 21, 2007
To: Robert P. Smith, III
From: Chapter Two Compliance Unit
Subject: **2007 OAL DETERMINATION NO. 26(S)**
(CTU 07-1107-01)
(Issued pursuant to Gov. Code, sec. 11340.5;
Cal. Code Regs., tit. 1, sec. 270(f)(2)(B))
Petition challenging memo issued by Victim

Compensation and Government Claims Board concerning the methodology for processing government claims from inmates

On November 7, 2007, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether a memo issued by the Victim Compensation and Government Claims Board (VCGCB), notifying inmates of a change to the methodology for processing government claims from inmates, is an underground regulation. The specific language you challenge is:

. . . claims from inmates received on and after November 1, 2004 must be filed in accordance with the time requirements for all other government claims.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600, which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).¹ Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

A rule which meets the definition of a “regulation” in Government Code section 11342.600² is required to be adopted pursuant to the APA. The memo you challenge notifies inmates that they are now required, as a result of a Third District Court of Appeal decision to file their government claims with VCGCB following the time requirements “for all other government claims.” The time requirements for all other governments claims is specified in Government Code section 911.2³:

(a) A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented as provided in

¹ Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

² “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

³ We note that California Code of Regulations, title 2, section 632.6, adopted by VCGCB in 1977, contains different time limits for submitting a claim to VCGCB, however these regulations have not been amended to reflect the amendment of Government Code section 911.2 in 1987 (Statutes of 1987, Chapter 1208).

Article 2 (commencing with Section 915) not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Article 2 (commencing with Section 915) not later than one year after the accrual of the cause of action. (b) For purposes of determining whether a claim was commenced within the period provided by law, the date the claim was presented to the California Victim Compensation and Government Claims Board is one of the following: (1) The date the claim is submitted with a twenty-five dollar (\$25) filing fee. (2) If a fee waiver is granted, the date the claim was submitted with the affidavit requesting the fee waiver. (3) If a fee waiver is denied, the date the claim was submitted with the affidavit requesting the fee waiver, provided the filing fee is paid to the board within 10 calendar days of the mailing of the notice of the denial of the fee waiver.

The memo you challenge merely requires inmates to file government claims in accordance with the existing time requirements already found in statute. The memo does not further supplement or interpret the existing rules regarding timeliness in Government Code section 911.2. This memo, therefore, is not an underground regulation.⁴

December 21, 2007

/s/
Susan Lapsley
Director

/s/
Peggy J. Gibson
Staff Counsel

⁴ For this reason, pursuant to subdivision (f)(2)(E) of section 270, a rule which is included in a statutory exemption is the proper subject of a summary disposition letter. California Code of Regulations, Title 1, section 270, subdivision (f) provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review . . . demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be used to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) *The challenged rule is contained in a California statute.*

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. (Emphasis added.)

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

DEPARTMENT OF FISH AND GAME

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW

AGENCY: Department of Fish and Game

ACTION: Amend section 228 of title 14
of the California Code of Regulations

DECISION OF DISAPPROVAL OF PROPOSED CHANGES WITHOUT REGULATORY EFFECT

(Gov. Code, sec. 11349.3 and
Cal. Code Regs., tit. 1, sec. 100)

OAL File No. 07-1102-06 NR

DECISION SUMMARY

The Department of Fish and Game (“Department”) proposed to amend California Code of Regulations (“CCR”), title 14, section 228, subdivision (b)(1) (hereafter “section 228(b)(1)”) regarding the issuance of special permits for using vacuum or suction dredges in closed seasons or closed waters. The Department proposed to delete language in section 228(b)(1) based on the ruling of the Sacramento County Superior Court in *Eason v. California Department of Fish and Game, et al.*, Sacramento County Superior Court Case No. 06CS00768 (“*Eason*”), which found that there is a conflict as a matter of law between Fish and Game Code section 5653, subdivision (d) and section 228(b)(1). On November 2, 2007, the Department submitted this proposed change to the Office of Administrative Law (“OAL”) as a change without regulatory effect pursuant

to section 100, title 1, of the CCR (hereafter “section 100”). On December 19, 2007, OAL disapproved the proposed changes.

Date: December 21, 2007

/s/
George Shaw
Staff Counsel

for: Susan Lapsley
Director

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2007-1116-01
BOARD OF EDUCATION
California High School Exit Examination

This regulatory action makes several amendments to current regulations regarding the California High School Exit Examinations (CAHSEE). It makes specific some recent changes in the related statutes and addresses various issues that have arisen during its implementation.

Title 5
California Code of Regulations
ADOPT: 1202 AMEND: 1200, 1204, 1204.5, 1205,
1207, 1207.1, 1207.2, 1207.5, 1209, 1210, 1211,
1211.5, 1215, 1215.5, 1216, 1217, 1218, 1219, 1225
Filed 12/20/2007
Effective 12/20/2007
Agency Contact: Debra Strain (916) 319-0860

File# 2007-1206-07
BUREAU OF STATE AUDITS
Conflict of Interest Code

The Bureau of State Audits is amending its conflict of interest code found at title 2, div. 8, ch. 54, sec. 54300, California Code of Regulations. This amendment was approved for filing by the Fair Political Practices Commission on November 6, 2007.

Title 2
California Code of Regulations
AMEND: div. 8, ch. 54, sec. 54300
Filed 12/26/2007
Effective 01/25/2008
Agency Contact: Kathleen Spencer (916) 445-0255

File# 2007-1220-04
CALIFORNIA GAMBLING CONTROL
COMMISSION
Bureau of Criminal Identification and Information
(BCII) References

This nonsubstantive rulemaking action replaces the term "Bureau" with "BCII" (the acronym for the Bureau of Criminal Identification and Information) anywhere the term Bureau is intended to refer to the Bureau of Criminal Identification and Information. The Commission believes that because there are numerous bureaus within the Department of Justice, confusion may otherwise be caused by simply referring to Bureau in instances in which this specific Bureau, the BCII, is meant.

Title 4
California Code of Regulations
AMEND: 12002, 12122, 12202, 12203.2, 12222
Filed 12/26/2007
Agency Contact: James Allen (916) 255-4300

File# 2007-1121-02
DEPARTMENT OF CONSERVATION
Handling Fees

This Certificate of Compliance filing makes permanent the emergency regulations which conformed Title 14 of the California Code of Regulations to amended section 14585 of the California Public Resources Code regarding the formula for determining handling fees paid to beverage container recycling centers.

Title 14
California Code of Regulations
ADOPT: 2990, 2995, 2997 AMEND: 2125, 2518
Filed 12/26/2007
Effective 12/26/2007
Agency Contact: Karen Denz (916) 322-1899

File# 2007-1212-02
DEPARTMENT OF FOOD AND AGRICULTURE
Diaprepes Root Weevil Interior Quarantine

This emergency rulemaking expands the quarantine area in the northern Rancho Santa Fe area of San Diego County for the Diaprepes root weevil by approximately two square miles.

Title 3
California Code of Regulations
AMEND: 3433(b)
Filed 12/19/2007
Effective 12/19/2007
Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1220-02
DEPARTMENT OF FOOD AND AGRICULTURE
Diaprepes Root Weevil Interior Quarantine

This rulemaking action expands the interior quarantine area for the Diaprepes Root Weevil in the La Jolla area of San Diego County.

Title 3
California Code of Regulations
AMEND: 3433(b)
Filed 12/26/2007
Effective 12/26/2007
Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1217-01
DEPARTMENT OF FOOD AND AGRICULTURE
South American Spongeplant Eradication Area

This filing is an emergency regulatory action adding Fresno and Madera counties to Shasta County as eradication areas for South American spongeplant.

Title 3
California Code of Regulations
AMEND: 3963
Filed 12/26/2007
Effective 12/26/2007
Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1214-01
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

The proposed amendment to 3434(b) seeks to: (1) expand the contiguous regulated area in San Mateo and Santa Clara counties by approximately six square miles; and (2) expand the contiguous regulated area in Alameda, Contra Costa, Marin, San Francisco and San Mateo counties by approximately 14 square miles. The effect of this proposed change will be to establish authority for the State to perform quarantine activities against LBAM in the expanded area.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 12/21/2007
Effective 12/21/2007
Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1213-01

DEPARTMENT OF FOOD AND AGRICULTURE
Oak Mortality Disease Control Program

This emergency regulatory action modifies the existing oak mortality disease control regulation by adding two new plant species — *Corylopsis spicata* (spike winter hazel) and *Physocarpus opulifolius* (ninebark) — to the list of associated articles (nursery stock) whose movements are regulated as hosts or potential carriers that may transfer the disease from an infested area.

Title 3

California Code of Regulations

AMEND: 3700(c)

Filed 12/19/2007

Effective 01/01/2008

Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1106-01

DEPARTMENT OF FOOD AND AGRICULTURE
Dairy Farm Follow-Up Inspection Fees

This regulation implements statutory authorization for the assessment of dairy-farm follow-up inspection activity fees by the Department of Food and Agriculture. The regulation also requires that milk products processing plants deduct these fees from payments otherwise due to dairy farms and pay them to the Department.

Title 3

California Code of Regulations

ADOPT: 606

Filed 12/20/2007

Effective 12/20/2007

Agency Contact: Nancy Grillo (916) 263-2347

File# 2007-1102-01

DEPARTMENT OF INSURANCE**Amended Regulations Re: Law Enforcement Access to Insurance Claims Information**

The Department of Insurance is taking this action to correct an erroneous reference to CIC section 1875.15 regarding supplemental insurance claims information.

Title 10

California Code of Regulations

AMEND: 2698.82(b), 2698.84, 2698.87, and 2698.89.1

Filed 12/19/2007

Effective 01/18/2008

Agency Contact: Debra Chaum (415) 538-4115

File# 2007-1102-02

DEPARTMENT OF JUSTICE**Separation From Employment Designees**

This regulatory action designates which employees of the Commission of Gambling Control or the Department of Justice (Bureau of Gambling Control) shall not, for a period of three years after leaving office or terminating employment, act as a representative of any other person, for compensation, before the Commission or the Department if the appearance or communication is for the purpose of influencing administrative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, or approval.

Title 11

California Code of Regulations

ADOPT: 2021

Filed 12/19/2007

Effective 01/18/2008

Agency Contact: Lee C. Adamson (916) 263-3392

File# 2007-1214-04

FAIR POLITICAL PRACTICES COMMISSION**Reporting Independent Expenditures by Eligible 501(c)(4) Organizations**

This regulatory action adopts an event-based reporting alternative for an eligible 501(c)(4) organization that makes occasional independent expenditures from its general treasury to support or oppose a ballot measure in California.

Title 2

California Code of Regulations

ADOPT: 18413

Filed 12/19/2007

Effective 12/19/2007

Agency Contact:

Virginia Latteri-Lopez (916) 322-5660

File# 2007-1214-02

FISH AND GAME COMMISSION**Applicable Area of Two-Rod Sport Fishing Stamp**

This nonsubstantive rulemaking action reconciles title 14 C.C.R. Sec. 2.00 with amended Fish and Game Code Sec. 7149.4. Whereas, under the prior statute, a person could only be licensed to use two rods in inland lakes and reservoirs and the Colorado River District, amended section 7149.4 allows such fishing in inland waters, except those in which only artificial lures and barbless hooks may be used.

Title 14

California Code of Regulations

AMEND: 2.00

Filed 12/26/2007

Agency Contact: Jon Snellstrom (916) 653-4899

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN JULY 25, 2007 TO
DECEMBER 26, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

12/26/07 AMEND: div. 8, ch. 54, sec. 54300
 12/19/07 ADOPT: 18413
 12/18/07 ADOPT: 1859.324.1, 1859.330
 AMEND: 1859.302, 1859.318,
 1859.320, 1859.321, 1859.322,
 1859.323, 1859.323.1, 1859.323.2,
 1859.324, 1859.326, 1859.328, 1859.329
 12/17/07 AMEND: 58700
 12/17/07 AMEND: 18351
 12/13/07 ADOPT: 18531.2
 12/13/07 AMEND: 18530.4
 12/13/07 AMEND: 18421.2
 12/06/07 AMEND: 649, 649.1 (Renumbered to
 649.15), 649.1.1 (Renumbered to
 649.16), 649.2 (Renumbered to 649.12),
 649.3 (Renumbered to 649.24), 649.7
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 (Renumbered to 649.30), 649.17
 (Renumbered to 649.31), 649.18
 (Renumbered to 649.26), 649.20, 649.21,
 649.22 (Renumbered to 649.10), 649.71
 (Renumbered to 649.25), 649.72
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 (Renumbered to 649.6), 651.1
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 (Renumbered to 649.13), 651.4
 (Renumbered to 649.34), 651.5

(Renumbered to 649.5), 652.1
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 (Renumbered to 649.42), 653.2
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 (Renumbered to 649.47), 655.1
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 (Renumbered to 649.59), 657.2
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 10/31/07 ADOPT: 18200
 10/30/07 AMEND: 1138.10, 1138.30, 1138.72,
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 10/17/07 ADOPT: 2970
 10/15/07 ADOPT: 2291, 2292, 2293, 2294, 2295,
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 10/09/07 AMEND: 1896.98, 1896.99.100,
 1896.99.120
 10/03/07 ADOPT: 1859.167.2, 1859.167.3
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 10/01/07 ADOPT: 1859.71.6, 1859.77.4 AMEND:
 1859.2
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	AMEND: 1859.2, 1859.51, 1859.61, 1859.75.1, 1859.81, 1859.81.1, 1859.81.2, 1859.103, 1859.104, 1859.202, 1866, Form SAB 50-04, Form SAB 50-06	10/15/07	AMEND: 3406(b)
08/31/07	AMEND: 18109, 18204.5, 18208.5, 18215.2, 18228, 18236, 18241, 18306, 18315, 18323, 18325, 18350, 18404.2, 18410, 18416, 18429, 18432, 18438, 18457, 18500, 18502, 18502.1, 18502.2, 18519.4, 18522, 18526.1, 18530.1, 18531.1, 18531.3, 18531.4, 18532, 18536.1, 18536.2, 18538, 18538.2, 18541, 18564, 18573, 18580, 18585, 18586, 18587, 18588, 18590, 18616.5, 18618, 18619, 18620, 18621, 18622, 18626, 18650, 18700.1, 18702.6, 18704.3, 18707.3, 18720, 18725, 18726, 18726.1, 18726.2, 18726.3, 18726.4, 18726.5, 18726.6, 18726.7, 18726.8, 18727, 18760, 18902, 18930.1, 18931, 18935, 18940.1, 18950.2, 18954	10/03/07	AMEND: 3433(b)
08/03/07	AMEND: 58800	09/28/07	AMEND: 3434(b)
08/02/07	ADOPT: 1700	09/25/07	AMEND: 3591.2(a)
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12/26/07	AMEND: 3963	09/17/07	AMEND: 3406(b)
12/21/07	AMEND: 3434(b)	09/12/07	AMEND: 3700(c)
12/20/07	ADOPT: 606	09/11/07	AMEND: 3591.5(a)
12/19/07	AMEND: 3700(c)	09/11/07	AMEND: 3433(b)
12/19/07	AMEND: 3433(b)	09/10/07	ADOPT: 1391, 1391.1
12/10/07	AMEND: 3406(b)	09/05/07	ADOPT: 820.2, 820.7 AMEND: 820, 820.3, 820.4, 820.5, 820.6, 820.7 REPEAL: 820.6
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12/03/07	AMEND: 3434(b)	08/10/07	ADOPT: 3152
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11/27/07	AMEND: 3406(b)	11/21/07	ADOPT: 12347
11/27/07	AMEND: 3433(b)	11/09/07	AMEND: 1371
11/21/07	AMEND: 3433(b)	10/25/07	ADOPT: 1747, 1748
11/16/07	AMEND: 3417(b)	10/24/07	AMEND: 1486
11/15/07	AMEND: 3434	09/20/07	AMEND: 1844
11/14/07	AMEND: 3589	09/04/07	AMEND: 12205.1, 12225.1
11/14/07	AMEND: 3591.20	Title 5	
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11/06/07	AMEND: 3406(b)	11/19/07	ADOPT: 11981.3, 11984.5, 11984.6, 11985, 11985.5, 11985.6 AMEND: 11981 (renumber to 11980), 11982 (renumber to 11981), 11985 (renumber to 11981.5), 11980 (renumber to 11982), 11986 (renumber to 11982.5), 11983, 11983.5, 11984
11/01/07	AMEND: 1380.19, 1437.12	11/05/07	ADOPT: 18134
10/29/07	AMEND: 3433(b)	10/29/07	ADOPT: 24010, 24011, 24012, 24013
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10/25/07	AMEND: 3591.20 (a & b)	10/02/07	AMEND: 80001
		10/01/07	AMEND: 43726
		09/24/07	ADOPT: 17604.1, 17605.1, 17624, 17630.1, 17638, 17639, 17643, 17644, 17650 AMEND: 17600, 17601, 17602, 17603, 17604, 17605, 17606, 17607, 17608, 17609, 17625, 17626, 17627, 17628, 17629, 17630.2, 17631, 17632, 17640, 17641, 17642, 17646, 17648

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08/23/07	AMEND: 42000, 42002, 42003, 42005, 42006, 42007, 42008, 42009, 42010, 42011, 42012, 42013, 42018, 42019		
08/16/07	ADOPT: 18096 AMEND: 18078, 18081, 18084, 18085, 18089, 18090, 18100, 18107		
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11/05/07	AMEND: 4324		
10/31/07	AMEND: 1704		
10/30/07	AMEND: 1532.2, 5203, 5206, 8359		
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10/10/07	ADOPT: 5349, 5350, 5351, 5352, 5353, 5354, 5355.1 AMEND: 5355, 5356, 5357, 5358		
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10/09/07	AMEND: 2320.2		
10/03/07	ADOPT: 3458.1		
08/22/07	AMEND: 14300.10, 14300.12, 14300.29, 14300.46		
08/21/07	AMEND: 1740		
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12/06/07	AMEND: 9100		
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11/30/07	ADOPT: 2699.6603, 2699.6604 AMEND: 2699.6603 (renumbered to 2699.6602), 2699.6605, 2699.6607, 2699.6608, 2699.6611, 2699.6625		
11/15/07	AMEND: 2498.6		
11/07/07	AMEND: 1409, 1422, 1423		
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10/31/07	AMEND: 2318.6, 2353.1		
10/10/07	AMEND: 2498.6		
10/10/07	AMEND: 2218.63(b)		
10/09/07	AMEND: 5.2001		
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09/17/07	AMEND: 2498.6		
08/29/07	ADOPT: 2842 AMEND: 2848		
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11/29/07	ADOPT: 916.9.1, 936.9.1, 916.9.2, 936.9.2, 916.11.1, 936.11.1, 923.9.1, 943.9.1, 923.9.2, 943.9.2 AMEND: 859.1, 916.9, 936.9, 956.9, 923.9, 943.9, 963.9	10/01/07	ADOPT: 3075.4 AMEND: 3000
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11/29/07	ADOPT: 1093, 1093.1, 1093.2, 1093.3, 1093.4, 1093.6 AMEND: 895, 895.1, 1037	08/13/07	AMEND: 3190, 3191
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11/05/07	AMEND: 825.05	11/30/07	AMEND: 1805, 1806, 1816, 1816.1, 1816.2, 1816.4, 1816.6, 1854, 1856, 1858 REPEAL: 1833.3, 1855, 1857
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09/19/07	AMEND: 502, 509	11/02/07	ADOPT: 4440, 4442, 4444, 4446, 4448, 4450, 4452, 4470, 4472, 4474, 4476, 4478, 4480, 4482, 4484
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08/22/07	AMEND: 165, 245—App. A, 632	10/05/07	AMEND: 306, 306.1, 310, 390, 390.2, 390.3, 390.4, 390.5
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12/18/07	AMEND: 3052, 3054.1	09/11/07	ADOPT: 2520.4, 2520.5, 2577.5, 2577.6 AMEND: 2518.6, 2523, 2523.2, 2523.5, 2523.6, 2576.6, 2579.2, 2579.4, 2579.7, 2579.8 REPEAL: 2523.1, 2579.3
12/11/07	AMEND: 176	08/28/07	ADOPT: 1351.1
11/29/07	AMEND: 2600.1	08/28/07	ADOPT: 1315.03, 1326 AMEND: 1325.4
11/29/07	AMEND: 2616	08/03/07	AMEND: 1399.541
10/22/07	REPEAL: 3999.1.8, 3999.1.9, 3999.1.10, 3999.1.11	08/03/07	AMEND: 2036, 2036.5
10/18/07	ADOPT: 3486 AMEND: 3482, 3484, 3485	08/01/07	AMEND: 3340.16, 3340.42, 3392.2
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		11/08/07	AMEND: 94508, 94509, 94510, 94511, 94512, 94513, 94514, 94515, 94523
		10/29/07	AMEND: 93119
		09/24/07	ADOPT: 93102.1, 93102.2, 93102.3, 93102.4, 93102.5, 93102.6, 93102.7, 93102.8, 93102.9, 93102.10, 93102.11, 93102.12, 93102.13, 93102.14, 93102.15, and 93102.16 AMEND: 93102

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09/18/07 ADOPT: 93115.1, 93115.2, 93115.3,
93115.4, 93115.5, 93115.6, 93115.7,
93115.8, 93115.9, 93115.10, 93115.11,
93115.12, 93115.13, 93115.14, 93115.15
AMEND: 93115

08/28/07 ADOPT: 2641.56, 2641.57 AMEND:
2641.30, 2641.45, 2641.55, 2643.5,
2643.10, 2643.15 REPEAL: 2641.75,
2641.77

08/27/07 AMEND: 93300.5

08/08/07 ADOPT: 94201.1 AMEND: 94201,
94202, 94203, 94204, 94207, 94208,
94209, 94210, 94211, 94212

07/30/07 AMEND: 2500, 2502, 2505

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11/21/07 AMEND: 4703

11/08/07 ADOPT: 474

07/30/07 AMEND: 1591.2

07/30/07 AMEND: 1591

07/30/07 AMEND: 1591.4

07/26/07 AMEND: 1586

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12/18/07 AMEND: 2510, 2520, 2530, 2540, 2550

10/31/07 AMEND: 2040

10/01/07 AMEND: 2600

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11/29/07 AMEND: 1601, 1602, 1605.3, 1606

10/16/07 ADOPT: 2900, 2901, 2902, 2903, 2904,
2905, 2906, 2907, 2908, 2909, 2910,
2911, 2912, 2913

08/22/07 AMEND: 1602, 1604, 1606, 1607

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12/13/07 ADOPT: 64651.21, 64651.34, 64651.38,
64651.88, 64653.5, 64657, 64657.10,
64657.20, 64657.30, 64657.40, 64657.50
AMEND: 64650, 64651.10, 64651.50,
64651.53, 64651.60, 64652, 64652.5,
64653, 64654, 64655, 64658, 64660,
64661, 64662, 64663, 64664, 64666

12/06/07 ADOPT: 97930, 97930.1, 97930.2,
97930.3, 97930.4, 97930.5, 97930.6,
97930.7, 97930.8, 97930.9, 97930.10

11/29/07 AMEND: 51531

11/20/07 AMEND: 311-1

11/08/07 ADOPT: 72038, 72077.1, 72329.1
AMEND: 72077, 72329

11/07/07 ADOPT: 66269.1

11/06/07 AMEND: 51003(e) REPEAL: 51307,
51506.2

10/23/07 AMEND: 4400, 4409.1, 4415 REPEAL:
4440.1

10/18/07 AMEND: 67391.1

10/16/07 AMEND: 10100 REPEAL: 10101

10/03/07 AMEND: 67386.5, 67386.6, 67386.11

09/18/07 ADOPT: 64432.3, 64432.8 AMEND:
64413.1, 64431, 64432, 64447.2,
64463.1, 64465, 64481 REPEAL: 64450

09/06/07 ADOPT: 66270.69.2 AMEND: 66270.67
(renumber to 66270.69.5), 66270.69
(renumber to 66270.69.1), 67800.1
(renumber to 66270.69.3), 67800.5
(renumber to 66270.69.4)

09/05/07 AMEND: 4427

08/31/07 AMEND: 12805

08/08/07 ADOPT: 96040, 96041, 96042, 96043,
96044, 96045, 96046, 96050 AMEND:
96000

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08/07/07 ADOPT: 86500, 86501, 86505, 86505.1,
86506, 86507, 86508, 86509, 86510,
86511, 86512, 86517, 86518, 86519,
86519.1, 86519.2, 86520, 86521, 86522,
86523, 86524, 86526, 86527, 86528,
86529, 86531, 86531.1, 86531.2, 86534,
86535, 86536, 86540, 86542, 86544,
86545, 86546, 86552, 86553, 86554,
86555, 86555.1, 86558, 86559, 86561,
86562, 86563, 86564, 86565, 86565.2,
86565.5, 86566, 86568.1, 86568.2,
86568.4, 86570, 86572, 86572.1,
86572.2, 86574, 86575, 86576, 86577,
86578, 86578.1, 86579, 86580, 86586,
86587, 86587.1, 86587.2, 86588
AMEND: 11-400c, 11-402, 45-101(c),
45-202.5, 45-203.4, 45-301.1

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12/18/07 AMEND: 2621, 2632, 2634, 2635, 2636,
2637, 2638, 2661, 2666, 2711, 2713

12/07/07 ADOPT: 3919

12/06/07 ADOPT: 3918

11/30/07 ADOPT: 3959.1

11/07/07 ADOPT: 3915

09/04/07 AMEND: 2053

08/27/07 AMEND: 2200, 2200.2, 2200.3, 2200.4,
2200.6 REPEAL: 2201

08/21/07 ADOPT: 3979.2

08/20/07 ADOPT: 3979.3

08/16/07 ADOPT: 3939.26

08/15/07 AMEND: 3939.10

08/14/07 ADOPT: 3939.25

08/09/07 ADOPT: 3949.4

08/02/07 ADOPT: 3967

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12/10/07 ADOPT: 8207.1, 8212.3 AMEND: 8204,
8207, 8208, 8209, 8210, 8211, 8212,
8212.1, 8213, 8216, 8217

08/21/07 ADOPT: 20939 AMEND: 20918, 20919,
20920, 20921, 20923, 20925, 20931,
20932, 20933, 20934, 20937 REPEAL:
20919.5

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12/18/07 AMEND: 15290 (reports 3, 4 & 6),
15400.1, Division 3 — Subdivision 1 —
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11/28/07 AMEND: 47-110, 47-260, 47-301,
47-430, 47-601, 47-602, 47-620,
47-630 REPEAL: 47-610
07/30/07 AMEND: 47-201, 47-401